

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ERIC L. HICKS,

Plaintiff,

-vs-

Case No. 16-CV-284

**CINDY O'DONNELL, CHARLES FACKTOR,
MICHAEL BAENEN, CAPTAIN LESATZ,
CO GLADES, MICHAEL MOHR,**

Defendants.

DECISION AND ORDER

On March 8, 2016, Eric Hicks, filed an action under 42 U.S.C. § 1983 alleging that his civil rights were violated at the Green Bay Correctional Institution. (ECF No. 1). He asked to proceed in forma pauperis (ECF No. 2), and the court assessed an initial partial filing fee of \$19.82 (ECF No. 12). The plaintiff paid the initial partial filing fee on March 18, 2016, and the court screened his complaint on March 31, 2016 (ECF No. 8). This matter comes before the court on the plaintiff's motion to use his release account to pay the balance of the filing fee. (ECF No. 9).

The Prison Litigation Reform Act requires the court to collect the filing fee from a "prisoner's account." 28 U.S.C. §1915(b). The term "prisoner's account" encompasses both a prisoner's release account and general account. *Spence v. McCaughtry*, 46 F. Supp. 2d 861, 862 (E.D. Wis.

1999). Upon the plaintiff's request, the court has discretion to allow plaintiff to pay a filing fee, or a portion thereof, out of his release account. *Doty v. Doyle*, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002).


The plaintiff requested to use his release account to pay the balance of his filing fee. (ECF No. 9) His account contains \$983.88 (ECF No. 3), and this amount is sufficient to pay the balance of filing fee. Accordingly, the court will allow plaintiff to pay the balance of filing fee with funds in his release account.

IT IS THEREFORE ORDERED that the warden at the Green Bay Correctional Institution shall withdraw \$330.18 from the plaintiff's release account and forward that sum to the Clerk of this Court as the plaintiff's filing fee in this action. Such payment is to be made within **twenty-one days** of the date of this order

IT IS ALSO ORDERED that copies of this order be sent to the warden at Green Bay Correctional Institution.

Dated at Milwaukee, Wisconsin, this 5th day of May, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge